

Notice of Allowability

Application No.

09/714,853

Examiner

Jeffrey A. Smith

Applicant(s)

LITZOW ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment of January 22, 2006.
2. ☒ The allowed claim(s) is/are 23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

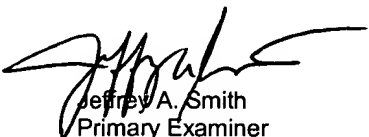
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Jeffrey A. Smith
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims

Claims 1-22, and 25-32 have been cancelled.

Claims 23 and 24 have been amended as follows:

23. (Currently Amended) A method to derive an offer based on transaction history, the method comprising:

interposing a data processing system between consumer and vendor;

observing the consumer's buying habits using the data

processing system to gather the consumer's bill data;

identifying the consumer who effected a purchase with a

first identifier;

aggregating the first identifier of the consumers into a

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consumer database;

associating the purchase with the consumer's first identifier stored in the consumer database;

identifying a vendor from a vendor database, from whom the consumer effected the purchase, by a second identifier associated with the vendor;

classifying the purchase into one or more component line items, the component line items being defined as an aggregation of smallest indivisible sales units of each product constituting the purchase;

determining the number of smallest indivisible sales units purchased in each component line item;

identifying each smallest indivisible sales units of each product constituting the purchase by a corresponding third identifier in a transaction database[[,]]i; and

inputting a relational instance in the customer database, wherein the relational instance comprises associations between any two or more of the smallest indivisible sales units of each product constituting the purchase selected from the list comprising:

- the consumer's first identifier;
- the line item's third identifier;
- the number of sales units; and

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the vendor's second identifier.

24. (Currently Amended) A system to derive an offer based system comprising:

means for interposing a data processing system between one or more consumers and one or more vendors;

means for observing the consumer's buying habits using the data processing system to gather the consumer's bills or bill payment transaction data;

means for analyzing the consumer's bills or bill payment transaction data;

means for identifying with a first identifier one or more consumers who effected a purchase;

means for aggregating the first identifier of one or more consumers into a consumer database;

means for associating the purchase with the consumer's first identifier stored in the consumer database;

means for identifying a vendor from a vendor database, from whom the consumer effected the purchase by a second identifier associated with the vendor;

means for dissecting the purchase into one or more

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component line items, the component line items being defined as an aggregation of smallest indivisible sales units of each product constituting the purchase; means for analyzing one or more component line items to

determine the number of smallest indivisible ~~indivisible~~ sales units purchase;

means for identifying each smallest indivisible ~~indivisible~~ sales units of each product constituting the purchase by a corresponding third identifier in a transaction database[[,]]; and

means for inputting a relational instance in the customer database, wherein the relational instance comprises associating between any two or more of the smallest indivisible sales units of each product constituting the purchase selected from the list comprising:

the consumer's first identifier;

the line item's third identifier;

the number of sales units; and

the vendor's second identifier.

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EXAMINER'S COMMENT

The Amendment filed December 28, 2005 contained minor errors pursuant to 37 CFR 1.121 as well as minor punctuation errors. It has not been entered.

The Examiner's Amendment (above) incorporates Applicant's changes, and, in addition, the Examiner has corrected minor punctuation errors and has placed the Amendment in a form consistent with 37 CFR 1.121.

Further, this application is in condition for allowance except for the presence of claims 1 and 19 directed to a non-elected without traverse. Accordingly, claims 1 and 19 have been cancelled.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding claim 23

The prior art of record neither anticipates nor fairly and reasonably teaches a method to derive an offer based on transaction history, the method comprising, *inter alia*, the steps of interposing a data processing system between consumer and vendor; observing the consumer's buying habits using the data processing system to gather the consumer's bill data; determining the number of smallest indivisible sales units purchased in each component line item; and identifying each smallest indivisible sales units of each product constituting the purchase by a corresponding third identifier in a transaction database.

The most remarkable prior art of record is to Eldering (U.S. Patent No. 6,298,348) and Suzuki (U.S. Patent No. 6,313,745 B1).

Eldering discloses interposing a data processing system between consumer and vendor, and collecting and analyzing

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consumers' bills data. However, Eldering does not disclose or reasonably teach the recited determining and identifying steps.

Suzuki discloses identifying smallest indivisible sales units. However, Suzuki does not disclose or reasonably teach interposing a data processing system between consumer and vendor.

Regarding claim 24

Claim 24 is written as a system claim which parallels claims 23. Claim 24 is allowable for reasons similar to those identified above with regard to claim 23.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Fortanet, Inmaculada et al.: "Netvertising: content-based subgeneric variations in a digital genre", IEEE, 1998 dicusses internet advertising as a genre.


Rosser (WO 98/28906 A2) discloses a set top device for targeted electronic insertion of indicia into video.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey A. Smith
Primary Examiner
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